

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROSEMARIE RICHARDSON,

Plaintiff,

- against -

CARMEN FARINA, KATHERINE G. RODI, CANDACE
MCLAREN, MIRIAM M. BERARDINO, ANNA STEEL,
THE NEW YORK CITY DEPARTMENT OF
EDUCATION, THE NEW YORK CITY BOARD OF
EDUCATION, and THE CITY OF NEW YORK,

Defendants.

**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

16-CV-01364 (JPO)

PLEASE TAKE NOTICE that upon the annexed Declaration of Assistant Corporation Counsel Kevin Connolly, dated May 19, 2016, the accompanying Memorandum of Law, and upon all prior pleadings and proceedings, defendants the New York City Department of Education, the New York City Board of Education, and the City of New York¹ will move this Court before the Honorable J. Paul Oetken, United States District Judge, at the United States Courthouse for the Southern District of New York, 40 Foley Square, Room 706, New York, New York 10007, on a date and time to be determined by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the complaint in its entirety, with prejudice, on the grounds that the court lacks jurisdiction over plaintiff's claims, the complaint is barred, in whole or in part, by the applicable statute of limitations, and fails to state a cause of

¹ No appearance is made on behalf of defendants Carmen Farina, Katherine G. Rodi, Candace McLaren, Miriam M. Berardino, and Anna Steel (collectively "Individual Defendants") at this time. Upon information and belief, to date, the Individual Defendants have not been properly served with the Summons and Complaint.

action, and upon such dismissal, entering judgment for the moving defendants, and granting these defendants such other and further relief as the Court may deem just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 6.1(b) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, opposition papers, if any, must be filed no later than June 2, 2016, and reply papers, if any, must be filed no later than June 9, 2016.

Dated: New York, New York
May 19, 2016

Respectfully Submitted,

ZACHARY W. CARTER
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By: /s/
Kevin P. Connolly
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cc: **By ECF and First-Class Mail**
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